



COHEN & GRESSER LLP

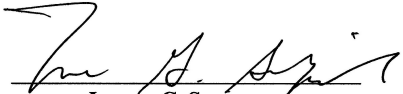
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Application **DENIED** without prejudice to renewal. The parties shall file a joint status letter by **September 8, 2023**, regarding the status of the DRC court's decision.

Dated: August 7, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

July 28, 2023

VIA ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

**Re: *United States v. Glencore International A.G.*, 22 Cr. 297 (LGS)
Release of Remaining Restitution Funds**

Dear Judge Schofield:

For the reasons explained below, we respectfully request on behalf of our clients, Dr. Ian and Laurethé Hagen, that the Court order the immediate release of the balance of the restitution funds awarded to the Hagens as victims of Glencore International A.G. (“Glencore”) in the above-captioned action.

On February 27, 2023, the Court granted the Hagens restitution in the amount of \$39,810,068.05. Glencore deposited the full amount of the restitution award with the Clerk of the Court as of March 15, 2023. (ECF No. 44). The Court retained jurisdiction over this matter to oversee the payment of restitution. (ECF No. 44 at 2). On May 30, 2023, following letter briefing from the parties, the Court ordered that 50% the funds be disbursed to the Hagens upon execution of a waiver letter and the remaining 50% upon the entry of a consent judgment in the DRC courts. (ECF. No. 53). Following the Hagens’ satisfaction of the first condition, the Clerk of the Court disbursed the first 50% of the restitution funds on June 12, 2023.

The remaining 50% has not been disbursed. Despite the Hagens complying with all the steps Glencore requested, a consent judgment has not been entered in the DRC. Glencore represented to the Court that a consent judgment “could likely be obtained within two weeks of an initial hearing, which could in turn be scheduled within one day of filing.” (ECF No. 49 at 5). We understand from the Hagens’ DRC counsel that the Hagens and Glencore’s relevant subsidiary submitted a draft joint filing in the DRC court on June 27, 2023. As the Hagens’ DRC law expert predicted, the DRC court refused to rule on a joint request, (ECF No. 46 at 5),

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and, in order to proceed, asked that a formal writ of summons be served. A request for an expedited hearing was then filed on June 28, 2023, and the Court scheduled a hearing on July 11, 2023. The parties voluntarily appeared at the hearing and the judge announced that the judgment would be delivered within eight-days as required under DRC procedural rules. However, as of the date of this letter, the judgment has still not been entered.

It has been more than four weeks since the date of the initial June 27, 2023 filing in the DRC and more than two weeks since the July 11, 2023 hearing. There is no set timeframe within which the DRC court must respond, and this proceeding could now take many more weeks, if not longer. There is nothing more the Hagens can do to facilitate the entry of the consent judgment. The Hagens have fully cooperated with Glencore in the filing in the DRC and thus have satisfied all the conditions of the Court's order. They should not be forced to wait to be made whole because of delays in the DRC courts. Accordingly, we respectfully ask that the Court order the Clerk of the Court to immediately disburse the remaining balance of the restitution funds.

Respectfully submitted,

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